

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3127

Introduced by: Hon. Alfredo A. Garbin, Jr., Rodel M. Batocabe and Christopher S. Co.

EXPLANATORY NOTE

The passage of this bill seeks to amend the Party-List System Act by providing for clear procedures, rules, and timeline for disqualification, and removal or cancellation of registration. It shall contribute to the furtherance of full, free and open party system and the continued promotion of marginalized and underrepresented sectors, organizations and parties.

The objective of the Partylist System Act is to promote proportional representation in the election of representatives to the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations or coalitions. Through the Act, the State attains to develop and guarantee a full, free and open party system in order to attain the broadest possible representation of party, sectoral or group interests in the House of Representatives by enhancing their chances to compete for and win seats in the legislature.

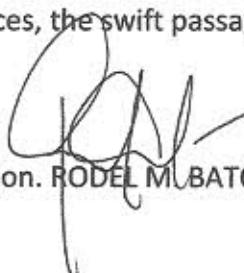
Petitions for cancellation of registration of partylist groups and/or disqualification of nominees have been filed before the COMELEC against winning partylist groups which has caused deferment of their proclamation. Having this gap in the law does not enhance marginalized groups' chances of being represented in the legislature. Instead, it has invited harassment suits taken advantage of by anyone or defeated party-list groups against the winning groups whose victory was hard-earned through sincerity, effective campaign strategy, and better program of government.

There is a need to correct the statute so as to maximize its objectives and ensure that the voice and choice of the people are respected.

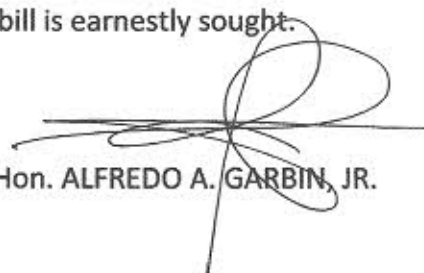
In light of these circumstances, the swift passage of this bill is earnestly sought.



Hon. CHRISTOPHER S. CO



Hon. RODEL M. BATOCABE



Hon. ALFREDO A. GARBIN, JR.

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AN ACT AMENDING SECTIONS 6 OF REPUBLIC ACT NO. 7941, OTHERWISE KNOWN AS THE PARTYLIST SYSTEM ACT.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 6 of the Republic Act No. 7941 is hereby amended to read as follows:

"Section 6. Removal and/or Cancellation of Registration. The COMELEC may motu proprio or upon verified complaint of any interested party, remove or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization or coalition on any of the following grounds:

It is a religious sect or denomination, organization or association organized for religious purposes;

It advocates violence or unlawful means to seek its goal;

It is a foreign party or organization;

It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;

It violates or fails to comply with laws, rules or regulations relating to elections;

It declares untruthful statements in its petition;

It has ceased to exist for at least one (1) year; or

It fails to participate in the last two (2) preceding elections or fails to obtain at least two percentum (2%) of the votes cast under the party-list system in the two (2) preceding elections for the constituency in which it has registered.

A COMPLAINT FOR CANCELLATION OF REGISTRATION OF ANY NATIONAL, REGIONAL OR SECTORAL PARTY MAY ONLY BE FILED ONCE EVERY THREE (3) YEARS AND IN NO CASE WITHIN 6 MONTHS BEFORE THE NEXT NATIONAL ELECTIONS. ALL COMPLAINTS FOR CANCELLATION OF REGISTRATION MUST BE DECIDED BY THE COMELEC NOT LATER THAN 60 DAYS BEFORE THE NEXT ELECTIONS. THE PENDENCY OF A COMPLAINT AND/OR MOTION FOR RECONSIDERATION OF A RESOLUTION DENYING A COMPLAINT FOR CANCELLATION OF REGISTRATION OF A NATIONAL, REGIONAL OR SECTORAL PARTY SHALL NOT BE A GROUND FOR THE DEFERMENT OF THE PROCLAMATION OF THE CONCERNED PARTY."

SECTION 2. Section 10 is hereby added to Republic Act No. 7941 which reads as follows:

"Section 10. Disqualification of Party List Nominees. THE COMELEC MAY MOTU PROPIO OR UPON VERIFIED COMPLAINT OF ANY INTERESTED PARTY, REMOVE OR DISQUALIFY, AFTER DUE NOTICE AND HEARING, A NOMINEE OF A PARTICULAR PARTY ON THE GROUND THAT HE OR SHE DOES NOT POSSESS ANY OF QUALIFICATIONS OF A PARTY LIST NOMINEE AS ENUMERATED UNDER SECTION 9 OF THIS ACT, PROVIDED THAT A COMPLAINT FOR DISQUALIFICATION OF A NOMINEE MAY ONLY BE FILED AGAINST A PARTICULAR NOMINEE WITHIN TEN (10) DAYS AFTER THE SUBMISSION OF THE LIST OF NOMINEES TO THE COMELEC. THE PENDENCY OF A COMPLAINT AND/OR MOTION FOR RECONSIDERATION OF A RESOLUTION DENYING A COMPLAINT FOR DISQUALIFICATION OF A NOMINEE SHALL NOT BE A GROUND FOR THE DEFERMENT AND SUSPENSION OF THE PROCLAMATION OF THE CONCERNED PARTY.

SECTION 3. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in at least one (1) newspaper of general circulation.